

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ABERCROMBIE & FITCH CO., a Delaware corporation,

No. C10-01998 RAJ

v.

JOHN DOES 1-13,

## Defendants.

DECLARATION OF DAVID A.  
BATEMAN IN SUPPORT OF  
MOTION FOR LEAVE TO CONDUCT  
THIRD PARTY DISCOVERY

I, David A. Bateman, hereby declare as follows:

1. I am attorney of record for plaintiff Abercrombie & Fitch Co. ("A&F") in this matter. I am over the age of eighteen, have personal knowledge of the matters set forth herein, and am competent to testify thereto.

2. I submit this declaration in support of A&F's request to issue third-party discovery in order to identify the "John Doe" defendants who are the registrants, assignees, traffickers and users of the Internet domain names identified in the Complaint (the "Infringing Domain Names"). The Infringing Domain Names are identical or confusingly similar to A&F's Marks and do not resolve to websites owned or endorsed by A&F.

3. Prior to initiating this suit, A&F attempted to discover the true identities of the “John Doe” defendants. On behalf of A&F, our forensic investigators obtained and reviewed

1 the publicly available information about these domain names and their associated websites,  
 2 including collecting the public "WHOIS" records. That publicly available information was  
 3 neither sufficient nor sufficiently reliable to permit A&F to name these defendants.

4. For example, the websites for the Infringing Domain Names do not contain any  
 5 personal information or identifiers. Likewise, the public WHOIS records for the Infringing  
 6 Domain Names are either masked by "privacy protection" services, or are falsified or  
 7 sufficiently unreliable to prevent A&F from accurately identifying the Defendants.

5. In some instances, the Defendants used fictitious registration names like "Ho  
 9 Nim" or "lime bomb" to register some of the Infringing Domain Names, and provided  
 10 fictional addresses. An example of such a registration is attached hereto as Exhibit 1 -- a true  
 11 and correct copy of the WHOIS record showing the registration information for domain name  
 12 "aberceombie.com", along with a copy of the website for this domain name. Our  
 13 investigators conducted online searches for records relating to these fictional names and  
 14 addresses, but were unable to locate the true identity of the Defendants.

6. In other instances, the Defendants used "privacy protection" services – or  
 16 imitated such services – in registering their domain names. An example of such a registration  
 17 is attached hereto as Exhibit 2 – a true and correct copy of the WHOIS record showing the  
 18 registration information for domain name "abbercrombie.com", along with a copy of the  
 19 website for this domain name.

7. I have practiced in the area of Internet law for over ten years, and have been  
 21 involved in many cases involving defendants who attempt to undertake anonymous Internet  
 22 activity. Generally speaking, in order to conduct any Internet activity, defendants must  
 23 necessarily contract with third-party providers of goods and services. In this case, for  
 24 example, the defendants will have contracted with legitimate domain name registrars, hosting  
 25 companies and parking revenue generators, among others. These third parties will most likely  
 26 have information that identifies the defendants – or that leads to the identification of

defendants. Almost all such third party vendors will not reveal this information without a subpoena.

8. Accordingly, by issuing subpoenas to third parties, A&F will be able to properly identify the “John Doe” defendants. Because some portions of the investigation are likely to require more than a single round of subpoenas, I estimate that a period of 120 days is reasonably required to complete this discovery effort.

I declare under penalty of perjury that the foregoing is true and correct:

EXECUTED this 13<sup>th</sup> day of December, 2010 at Seattle, Washington.

John Bateman

David A. Bateman

# EXHIBIT 1

Whois | Domain Search | Domain Suggestions | For Sale | Sales History | Auction Search | Domain Monitor | Domain Directory  
 Ping | Traceroute | My IP Address | Domain Parking | Cheap Domain Name Registration | Bulk Check | Domain Typo Generator | more>  
**Power Tools:** Reverse IP | Domain History | Mark Alert | Name Server Spy | Hosting History | Reverse Whois | Registrant Alert

## Whois: AberCeOmBie.com

[Acquire this Domain Name](#)

Search Whois Records

Search

[Whois Record](#) [Site Profile](#) [Registration](#) [Server Stats](#) [My Whois](#)

### My Whois View

[Show Help](#)

#### Related Domains For Sale or At Auction

[KatKathAber.com](#) (\$300)  
[Abercorn.net](#) (\$988)

[HaAberTurk.com](#) (\$490)  
[ManAberCom.com](#) (\$1,300)

[RadyoHaber.com](#) (\$652)  
[AberRate.com](#) (\$650)

1 2 More >

Registrant:  
lime bomb  
8201 Greensboro Drive  
mclean, Virginia 22102  
United States

Domain Name: ABERCEOMBIE.COM  
Created on: 20-Dec-05  
Expires on: 20-Dec-10  
Last Updated on: 17-Dec-09

Administrative Contact:  
bomb, lime [limebomb@gmail.com](mailto:limebomb@gmail.com)  
8201 Greensboro Drive  
mclean, Virginia 22102  
United States  
7033909000 Fax --

Technical Contact:  
bomb, lime [limebomb@gmail.com](mailto:limebomb@gmail.com)  
8201 Greensboro Drive  
mclean, Virginia 22102  
United States  
7033909000 Fax --

Domain servers in listed order:  
NS1.FASTPARK.NET  
NS2.FASTPARK.NET

Reverse Whois: "lime bomb" owns about [967 other domains](#)  
Email Search: [limebomb@gmail.com](mailto:limebomb@gmail.com) is associated with about [1,189 domains](#) >

Registrar History: [2 registrars](#) with 1 drop.

IP History: [21 changes](#) on 12 unique name servers over 6 years.

NS History: [11 changes](#) on 8 unique name servers over 5 years.

Whois History: [17 records](#) have been archived since [2007-10-18](#).

Reverse IP: [756,358 other sites](#) hosted on this server.

Website Title: [aberceombie.com](http://aberceombie.com)

Title Relevancy: 100%

Meta Description: No data found for this domain.

Relevancy: No data found for this domain.

Meta Keyw ords: No data found for this domain.

Relevancy: No data found for this domain.

**SEO Score:** 75%

Terms: [172](#) (Unique: 103, Linked: 67)

Images: [2](#) (Alt tags missing: 2)

Links: [39](#) (Internal: 38, Outbound: 1)

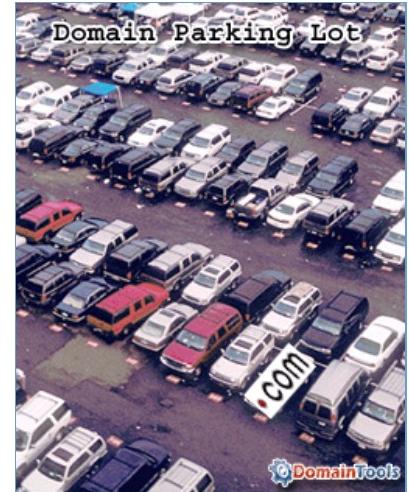
AboutUs:  [Wiki article on Aberceombie.com](#)

ICANN Registrar: [GODADDY.COM, INC.](#)

Alexa Trend/Rank: No data found for this domain.

Compete Rank: No data found for this domain.

#### Thumbnail:



[Country TLDs](#) [General TLDs](#)

<input type="checkbox"/>	<a href="#">AberCeOmBie.at</a>		<a href="#">Buy</a>
<input type="checkbox"/>	<a href="#">AberCeOmBie.be</a>		<a href="#">Buy</a>
<input type="checkbox"/>	<a href="#">AberCeOmBie.ch</a>		<a href="#">Buy</a>
<input type="checkbox"/>	<a href="#">AberCeOmBie.cn</a>		<a href="#">Buy</a>
<input type="checkbox"/>	<a href="#">AberCeOmBie.co.uk</a>		<a href="#">Buy</a>
<input type="checkbox"/>	<a href="#">AberCeOmBie.de</a>		<a href="#">Buy</a>

[Show all \(18\) >](#)

**Buy all selected >**

Created: 2005-12-20

Expires: 2010-12-20

Updated: 2009-12-17

Registrar Status: [clientDeleteProhibited](#)  
[clientRenewProhibited](#)  
[clientTransferProhibited](#)  
[clientUpdateProhibited](#)

Name Server: NS1.FASTPARK.NET (has [458,158 domains](#))NS2.FASTPARK.NET (has [458,158 domains](#))

Whois Server: whois.godaddy.com

Server Type: No data found for this domain.

IP Address: [216.8.179.24 Reverse-IP](#) | [Ping](#) | [DNS Lookup](#) | [Traceroute](#)IP Location:  - Ontario - Windsor - Next Dimension Inc

Response Code: 200

Domain Status: **Registered And Active Website**General TLDs: [AberCeOmbie.com](#)  (registered and active website)[AberCeOmbie.net](#)  (never registered before)[AberCeOmbie.org](#)  (never registered before)[AberCeOmbie.biz](#)  (never registered before)[AberCeOmbie.info](#)  (never registered before)[AberCeOmbie.us](#)  (never registered before)

Similar Domains: [Abe Proyectos](#) | [Aber - S No](#) | [Abe Photo](#) | [Abe Quipements](#) | [Ab Equity](#) | [Abe Raj](#) | [Aber A Ball](#) | [Aber - France](#) | [Abe Plumbing](#) | [Abe Raje](#) | [Aber Age](#) | [Abe Paints 4 States](#) | [Abe Pe](#) | [Aber A - Tech](#)

[Blog](#) | [Desktop Tools](#) | [Support](#) | [About Us](#) | [Contact Us](#) | [Terms of Service](#) | [Privacy](#) | [Memberships](#) | [Stock Ticker](#) | [Site Map](#)

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# aberceombie.com



Related Searches: [Shopping](#) [Electronics](#) [Books](#) [Clothing](#) [Abercrombie & Fitch](#) [Abercrombie](#)

[Inquire about this domain](#)

## Related Searches

[Shopping](#)  
[Electronics](#)  
[Books](#)  
[Clothing](#)  
[Abercrombie & Fitch](#)  
[Abercrombie](#)  
[Abercrombie And Fitch Clothing](#)  
[Mens Clothing](#)  
[Abercrombie & Fitch Outlet](#)  
[Clothes Shopping](#)  
[Hollister Shop](#)  
[Fitch](#)

## Search

## Sponsored Listings

### [Abercrombie Clothes](#)

Bid on Abercrombie Clothes now! Find great deals & huge selection.  
[www.eBay.com](http://www.eBay.com)

### [Abercrombie & Fitch](#)

Bargain Prices. Smart Deals. Save on Abercrombie & Fitch!  
[www.DealTime.com](http://www.DealTime.com)

### [Aéropostale® Online Store](#)

Find the Hottest Styles in Clothing For Girls & Guys at Aéropostale®!  
[www.Aeropostale.com](http://www.Aeropostale.com)

### [Hollister](#)

Hollister Products Save from Hollister!  
[www.ShopAtHome.com](http://www.ShopAtHome.com)

### [Costa Mesa Consignment](#)

Stop By Our Shop To Buy , Sell Or Trade Gently Used Designer Clothes.  
[www.MyDeelux.com](http://www.MyDeelux.com)

### [KingSizeDirect XL - 10XL](#)

Get the Perfect Gift In Time For Father's Day. Free Shipping Upgrade  
[www.KingSizeDirect.com](http://www.KingSizeDirect.com)

### [Abercrombie Fitch Clothes](#)

Find great deals and save! Compare products, prices & stores.  
[www.Shopping.com](http://www.Shopping.com)

### [Glendale Galleria](#)

Looking for Great Stores? Visit Glendale Galleria!  
[www.GlendaleGalleria.com](http://www.GlendaleGalleria.com)

### [Designer Clothes](#)

Friends Dont Let Friends Buy Retail 50-75% Off Designer Retail Brands.  
[www.HauteLook.com/Join\\_Free](http://www.HauteLook.com/Join_Free)

### [Affliction Online Store](#)

Shop The Entire Affliction Clothing Collection. Secure Ordering.  
[www.AfflictionClothingStore.com](http://www.AfflictionClothingStore.com)



# EXHIBIT 2

Whois | Domain Search | Domain Suggestions | For Sale | Sales History | Auction Search | Domain Monitor | Domain Directory  
 Ping | Traceroute | My IP Address | Domain Parking | Cheap Domain Name Registration | Bulk Check | Domain Typo Generator | more>  
**Power Tools:** Reverse IP | Domain History | Mark Alert | Name Server Spy | Hosting History | Reverse Whois | Registrant Alert

## Whois: AbBerCrombie.com

[Acquire this Domain Name](#)

Search Whois Records

[Search](#)

[Whois Record](#) [Site Profile](#) [Registration](#) [Server Stats](#) [My Whois](#)

### My Whois View

[Show Help](#)

[1](#) [More >](#)

**Related Domains For Sale or At Auction**  
[JacobAbercrombie.com](#) (\$300)    [AbercrombieTravel.com](#) (\$1,149)    [Abercrombie.info](#) (\$800)

Domain Name: ABBERCROMBIE.COM  
 Registrar: MONIKER

Registrant [2396904]:

Moniker Privacy Services [abbercrombie.com@domainservice.com](mailto:abbercrombie.com@domainservice.com)  
 Moniker Privacy Services  
 20 SW 27th Ave.  
 Suite 201  
 Pompano Beach  
 FL  
 33069  
 US

Administrative Contact [2396904]:

Moniker Privacy Services [abbercrombie.com@domainservice.com](mailto:abbercrombie.com@domainservice.com)  
 Moniker Privacy Services  
 20 SW 27th Ave.  
 Suite 201  
 Pompano Beach  
 FL  
 33069  
 US  
 Phone: +1.9549848445  
 Fax: +1.9549699155

Billing Contact [2396904]:

Moniker Privacy Services [abbercrombie.com@domainservice.com](mailto:abbercrombie.com@domainservice.com)  
 Moniker Privacy Services  
 20 SW 27th Ave.  
 Suite 201  
 Pompano Beach  
 FL  
 33069  
 US  
 Phone: +1.9549848445  
 Fax: +1.9549699155

Technical Contact [2396904]:

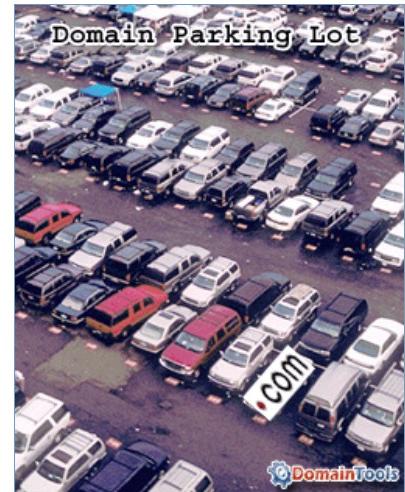
Moniker Privacy Services [abbercrombie.com@domainservice.com](mailto:abbercrombie.com@domainservice.com)  
 Moniker Privacy Services  
 20 SW 27th Ave.  
 Suite 201  
 Pompano Beach  
 FL  
 33069  
 US  
 Phone: +1.9549848445  
 Fax: +1.9549699155

Domain servers in listed order:

NS1.HITFARM.COM  
 NS2.HITFARM.COM

Record created on: 2003-08-26 03:46:42.0  
 Database last updated on: 2010-08-16 06:26:43.923  
 Domain Expires on: 2011-08-26 03:46:42.0

### Thumbnail:



[Country TLDs](#) [General TLDs](#)

<input type="checkbox"/> <a href="#">AbBerCrombie.at</a> 	<a href="#">Buy</a>
<input type="checkbox"/> <a href="#">AbBerCrombie.be</a> 	<a href="#">Buy</a>
<input type="checkbox"/> <a href="#">AbBerCrombie.ch</a> 	<a href="#">Buy</a>
<input type="checkbox"/> <a href="#">AbBerCrombie.cn</a> 	<a href="#">Buy</a>
<input type="checkbox"/> <a href="#">AbBerCrombie.co.uk</a> 	<a href="#">Buy</a>
<input type="checkbox"/> <a href="#">AbBerCrombie.dk</a> 	<a href="#">Buy</a>

[Show all \(17\) >](#)

**Buy all selected >**

Reverse Whois: "Moniker Privacy Services" owns about [228 other domains](#)

Email Search: No data found for this domain.

Registrar History: [3 registrars](#)

IP History: [47 changes](#) on 8 unique name servers over 5 years.

NS History: [7 changes](#) on 6 unique name servers over 7 years.

Whois History: [22 records](#) have been archived since 2007-05-19.

Reverse IP: [606,442 other sites](#) hosted on this server.

Website Title: [abbercrombie.com](#)

Title Relevancy 0%

Meta Description: No data found for this domain.

Relevancy: No data found for this domain.

Meta Keywords: No data found for this domain.

Relevancy: No data found for this domain.

**SEO Score:** 0%

Terms: No data found for this domain.

Images: No data found for this domain.

Links: No data found for this domain.

AboutUs:  [Wiki article on Abbercrombie.com](#)

ICANN Registrar: **MONIKER ONLINE SERVICES, INC.**

Alexa Trend/Rank: No data found for this domain.

Compete Rank: No data found for this domain.

Created: 2003-08-26

Expires: **2011-08-26**

Updated: 2010-08-16

Registrar Status: [clientDeleteProhibited](#)

[clientTransferProhibited](#)

[clientUpdateProhibited](#)

Name Server: NS1.HITFARM.COM (has [595,789 domains](#))

NS2.HITFARM.COM (has [595,789 domains](#))

Whois Server: whois.moniker.com

Server Type: No data found for this domain.

IP Address: [208.87.33.150](#) | [Reverse-IP](#) | [Ping](#) | [DNS Lookup](#) | [Traceroute](#)

Response Code: 200

IP Location:  - New Providence - Nassau - Secure Hosting Ltd

Domain Status: **Registered And Active Website**

General TLDs: [AbBerCrombie.com](#)  (registered and active website)

[AbBerCrombie.net](#)  (deleted and available again)

[AbBerCrombie.org](#)  (never registered before)

[AbBerCrombie.biz](#)  (never registered before)

[AbBerCrombie.info](#)  (never registered before)

[AbBerCrombie.us](#)  (never registered before)

Similar Domains: [abbedon.com](#), [abbdrrives.com](#), [abbdriveparts.com](#), [abbee.com](#), [abb cosmetics.com](#),  
[abb developers.com](#), [abbctour.com](#), [abbctv.com](#), [abbedalekennels.com](#), [abb concise.com](#),  
[abbdanismanlik.com](#), [abbebook.com](#), [abbeefill.com](#), [abbee hearing.com](#)

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# abbercrombie.co

[To purchase this domain name, click here](#)

Related Searches

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[Abercrombie and Fitch](#)

[Abercrombie And Fitch Catalogue](#)

[Abercrombieand Fitch](#)

[Abercrombie Online](#)

[Abercrombie](#)

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[Abercrombie catalog](#)

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